

REMARKS

Claims 1-15 remain pending in the present application. Claims 16-21 have been withdrawn by the Examiner. Claims 5 and 11 have been amended. Basis for the amendments can be found throughout the specification, drawings, and claims as originally filed

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Garrett et al (U.S. Patent No. 4,749,066) in view of Meiss et al. (U.S. Patent No. 6,173,819). The Examiner alleges that this combination would render Applicant's invention obvious to those skilled in the art.

Independent Claims 1 and 7, among other elements, claim that the aperture is continuous with the opening to enable tool access into the body through the aperture and opening for machining an inner surface of the body. Thus, the aperture must be large enough to enable the tool to enter into the opening to machine the surface such as the bridge or the sidewalls or bore of the body.

The Garrett et al. reference relied on by the Examiner fails to show or suggest these features. Garrett et al. illustrate apertures which receive a fastener, such as a bolt, to retain the brake pads within the body. There is no disclosure on a tool entering into the opening to machine the surfaces of the body.

The Meiss et al. reference has been cited by the Examiner to illustrate two bores. Meiss et al. illustrates three bridge sections. Thus, the opening does not span between a pair of bridge sections which are positioned at lateral ends of the one piece body.

The Examiner's combination of these two references utilizes hindsight reconstruction. The Examiner is picking and choosing isolated elements to combine them together to allegedly render Applicant's invention obvious. The Examiner cannot use the Applicant's invention as a template to piece together isolated elements from references in an attempt to render the Applicant's claims obvious. Thus, the Examiner's combination fails to disclose or suggest Applicant's invention. Accordingly, Applicant believes independent Claims 1 and 7, as well as their dependent claims 2-6 and 8-15, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over Barbosa et al. (U.S. Patent No. D488,414) in view of Meiss et al. The Examiner alleges that this combination would render Applicant's invention obvious. Applicant encloses the Declaration of Philip N. Jedeke who is the inventor of the present application, as well as a named inventor of the '414 patent. Insofar as the claims in the pending application are disclosed, taught or suggested by the patent, it was originally conceived by the inventor. Thus, this Declaration removes the '414 patent as a reference. Accordingly, the Examiner's rejection is moot.

Thus, Applicant believes Claims 1-15 to be patentably distinct over the Examiner's combination.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted


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